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this Memorandum Decision shall not be  
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establishing the defense of res judicata,  
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**IN THE  
COURT OF APPEALS OF INDIANA**

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ANDRE TILLMAN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A05-0611-CR-673
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Amy Barbar, Magistrate  
Cause No. 49G02-0606-FA-112756

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**June 25, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**ROBB, Judge**

### Case Summary and Issue

Following a jury trial, Andre Tillman appeals his conviction for kidnapping, raising the sole issue of whether sufficient evidence supports his conviction. Concluding that sufficient evidence exists, we affirm.

### Facts and Procedural History

On June 2, 2006, Joshua Singletary went to ZLB Plasma Services to donate plasma. In the facility, Singletary encountered Tillman, who was donating plasma in an adjacent station. Singletary and Tillman exited the facility together and walked to a nearby parking lot. When they arrived at Singletary's car, Singletary saw Tillman "reach into his pants, stick something under his shirt and [say] 'Get in the motherfucking car. I swear to God I'll blow your God damn head off. I'm not even joking about this. Just do what I say.'" Transcript at 34. Singletary got into his car and Tillman got in the passenger's seat. Over the course of roughly ten minutes, Tillman instructed Singletary to make various turns. When they arrived at an intersection, Tillman began "exerting a lot of expletives and just basically told [Singletary] that [he] was suppose[d] to get out of the car." *Id.* at 36. Singletary exited the vehicle, and Tillman drove away.

Singletary called 911 from his cell phone, gave a description of Tillman to police, and subsequently identified him from a photo array. At trial, Singletary again identified Tillman. Video surveillance and records from ZLB were also introduced, demonstrating that Tillman was the person with whom Singletary had left the facility. The jury found Tillman guilty of kidnapping, a Class A felony, and carjacking, a Class B felony. Tillman now appeals his

conviction for kidnapping.

### Discussion and Decision

When reviewing a claim of insufficient evidence, we will not reweigh evidence or judge witnesses' credibility. Grim v. State, 797 N.E.2d 825, 830 (Ind. Ct. App. 2003). We will consider only the evidence favorable to the judgment and the reasonable inferences drawn therefrom. Id. We will affirm a conviction if the lower court's finding is supported by substantial evidence of probative value. Id. It is well-established that "the uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal." Toney v. State, 715 N.E.2d 367, 369 (Ind. 1999).

Under the State's theory, in order to convict Tillman of kidnapping as a Class A felony, sufficient evidence must exist from which a fact-finder could have found that Tillman "knowingly or intentionally remove[d] another person, by . . . threat of force [] from one place to another . . . while hijacking a vehicle." Ind. Code § 35-42-3-2. The term "hijacking" means "the exercising of unlawful or unauthorized control of a vehicle by force or threat of force upon the vehicle's inhabitants." Wilson v. State, 468 N.E.2d 1375, 1378 (Ind. 1984).

Tillman argues that insufficient evidence supports the "hijacking" element of the offense as no evidence indicates that he used force or the threat of force to keep Singletary in the car. Tillman argues that because he only specifically indicated his willingness to blow Singletary's head off upon entering the vehicle and upon telling Singletary to leave the vehicle, and not while Singletary drove the vehicle, Singletary was never actually confined to

the vehicle by threat of force. We disagree. Tillman communicated to Singletary that he had a gun and would blow his head off if he did not get in the car. Tillman then got in the car and instructed Singletary to drive. When asked whether he felt he had a choice as to whether to obey Tillman's demands while in the car, Singletary replied, "When someone threatens to take your life right then . . . there's not other options, I mean, you either do what he says or you take a chance and just hope that he doesn't have a gun." Tr. at 37. The fact that Tillman did not continually remind Singletary of his intention to blow his head off does not mean that this threat did not still resonate in Singletary's mind and act to confine him to the moving vehicle. Singletary's testimony is sufficient to support a finding that Tillman removed Singletary from one place to another while hijacking a vehicle.

#### Conclusion

We conclude that sufficient evidence supports Tillman's conviction.

Affirmed.

SULLIVAN, J., and VAIDIK, J., concur.